

MDS-009CN (6219/15)

The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of the following documents by Certificate of First Class Mailing (1 pg.); Transmittal Form (1 pg.); Information Disclosure Statement (2 pgs.); PTO Form 1449 (5 pgs.); one copy of each cited reference, A1-A64, B1-B7 and C1-C14; and this return receipt postcard, all mailed first class postage prepaid on August 31, 2001.

Applicants:

Modell et al.

Serial No.:

09/841,325

Atty:

JBMilstein/sms

Date:

August 31, 2001

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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Modell et al.

SERIAL NO.:

09/841,325

**GROUP NO.:** 

3737

FILING DATE:

April 24, 2001

**EXAMINER:** 

Not Yet Assigned

TITLE:

Spectral Volume Microprobe Arrays

#### CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on this 31st day of August, 2001.

\*\*Electrical Commissioner\*\*

\*\*Electrical Comm

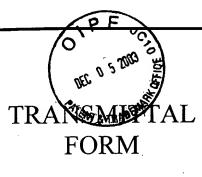
Sharon Shaw

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

#### Submitted herewith is/are:

- 1. Transmittal Form (1 page);
- 2. Information Disclosure Statement (2 pages);
- 3. PTO Form 1449 (5 pages); and one copy of each cited reference A1-A64, B1-B7 and C1-C14;
- 4. Return-receipt postcard.



Application Serial Number	09/841,325	
Filing Date	April 24, 2001	
First Named Inventor	Modell et al.	
Group Art Unit	3737	
Examiner Name	Not Yet Assigned	
Attorney Docket No.	MDS-009CN	
BATCH NO. (after allowance)	Not applicable	
Patent No.	Not applicable	
Issue Date	Not applicable	·

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		٠	BATCH NO	. (after allowance)	Not applicable			
			Patent No.		Not a	applicable		
			Issue Date		Not a	applicable		
	<u> </u>	FNC	CLOSURES (c)	heck all that apply)				
	ee Transmittal Form			to File Corrected		Notice of Appeal to Board		
L Fe	ee Iransmittai roim			pers (PTO-1553)		of Patent Appeals and Interferences		
	☐ Check Attached ☐ Copy of Fee Transmittal Form		Formal Drawin	ng(s)		Appeal Brief (in triplicate)		
	Amendment/Response		Request For Co Examination (F			Status Inquiry		
	☐ Preliminary ☐ After Final ☐ Affidavits/declaration(s)		Transmittal . Power of Attor	nev	$\boxtimes$	Return Receipt Postcard		
	Letter to Official Draftsperson		(Revocation of		$\boxtimes$	Certificate of First Class Mailing under 37 C.F.R. 1.8		
	including Drawings [Total Sheets]		Terminal Discl	aimer		Certificate of Facsimile Transmission under 37 C.F.R. 1.8		
	Petition for Extension of Time		Executed Declaration and Power of Attorney for Utility or Design Patent Application			Additional Enclosure(s) (please identify below)		
☒	Information Disclosure Statement (2 pages)  Form PTO-1449		Small Entity St	tatement		·		
	(5 pages)  Copies of IDS  Citations		CD(s) for large program	table or computer				
	Certified Copy of Priority Document(s)		Amendment A					
	Sequence Listing submission		Request for Ce Correction	rtificate of				
	Paper Copy/CD	'	☐ Certificate	of Correction (in				
	Computer Readable Copy Statement verifying	]	duplicate)					
	identity of above		•					
CORR	ESPONDENCE ADDRESS			SIGNATURE BL	OCK			
		lministrator				Respectfully submitted,		
<b>Direct</b>	Testa, Hu	rwitz & Th	ibeault, LLP					
	High Stre 125 High			Date: August 31, 20	01	John When		
		AA 02110		Reg. No. 42,897 Tel. No.: (617) 248-	.7695	dseph B. Milstein Atty/Agent for Applicant(s)		
		(617) 248-1		Fax No.: (617) 248-		Testa, Hurwitz & Thibeault, LLP		
	rax No.:	(617) 248-7	/100		High Street To			
			•			125 High Street Boston, MA 02110		



PATENT Attorney Docket No. MDS-009CN (6219/15)

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Modell et al.

SERIAL NO.:

09/841,325

**GROUP NO.:** 

3737

FILING DATE:

April 24, 2001

**EXAMINER:** 

Not Yet Assigned

TITLE:

Spectral Volume Microprobe Arrays

Assistant Commissioner for Patents Washington, D.C. 20231

#### INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

#### **REMARKS**

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

(1)	within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. 1.114; or
(2)	after the period defined in (1) but before the mailing date of a final action or a notice of allowance under 37 C.F.R. 1.311, and
	the requisite Statement is below, OR
	the requisite fee under 37 C.F.R. 1.17(p), namely \$180.00, is included herein, or

Information Disclosure Statement
Serial No. 09/841,325
Page 2 of 2

(3) after the mailing date of a final action or notice of allowance but before the payment of the issue fee, AND

the requisite Statement is below, AND

the requisite petition fee under 37 C.F.R. 1.17(p), namely \$180.00 is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

#### **STATEMENT**

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page <u>and</u> the Statement is required]:

- 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R.
   1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Date: August 31, 2001 Reg. No. 42,897

Tel. No.: (617) 248-7695 Fax No.: (617) 248-7100

MILSTEIN\6219\15.2167958\_1

Respectfully submitted,

Joseph B. Milstein

Atty/Agent for Applicant(s)
Testa, Hurwitz, & Thibeault, LLP

High Street Tower 125 High Street

Boston, Massachusetts 02110



**FORM PTO – 1449** 

## INFORMATION DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: MDS-009CN (6219/15)

APPLICANT(S): Modell et al.

SERIAL NO.: 09/841,325

FILING DATE: April 24, 2001 GROUP: 3737

## U.S. PATENT DOCUMENTS

EXAM. INIT.	DOCUMENT NUMBER		DATE NAME			CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
-	A1	3,013,467	12/19/61	Minsky		88	14	
	A2	4,017,192	4/12/77	Rosenthal e	et al	356	201	
	A3	4,198,571	4/15/80	Sheppard		250	571	
	A4	4,254,421	3/3/81	Kreutel, Jr.		343	754	
	A5	4,357,075	11/2/82	Hunter		350	294	
	A6	4,397,557	8/9/83	Herwig et a	al.	356	342	
	A7	4,733,063	3/22/88	Kimura et a	al.	250	201	
	A8	4,753,530	6/28/88	Knight et a	1.	356	73	
	A9	4,844,617	7/4/89	Kelderman	et al.	356	372	
	A10	4,845,352	7/4/89	Benschop		250	201	
	A11	4,852,955	8/1/89	Doyle et al.		350	1.2	
	A12	4,930,516	6/5/90	6/5/90 Alfano et al.		128	665	
	A13	4,965,441	10/23/90	Picard		250	201.3	
	A14	4,972,258	11/20/90	Wolf et al.		358	93	
	A15	4,997,242	3/5/91	Amos		350	6.91	
	A16	5,011,243	4/30/91	Doyle et al	-	350	1.2	
	A17	5,028,802	7/2/91	Webb et al.	Webb et al.		571	
	A18	5,032,720	7/16/91	White		250	236	
	A19	5.034,613	7/23/91	Denk et al.		250	458.1	
	A20	5,042,494	8/27/91	Alfano	<del>-</del> -	128	665	
	A21	5,054,926	10/8/91	Dabbs et al		356	345	
	A22	5,065,008	11/12/91	Hakamata	et al.	250	216	
	A23	5,071,246	12/10/91	Blaha et al		351	221	
	A24	5,074,306	12/24/91	Green et al		128	664	
EXAMI	NER	•			DATE CONSIDER	ED		



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EXAM. INIT.	DOCUMENT NUMBER		DATE .	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE			
	A25	A25 5,083,220 · 1/21/92 Hill		Hill	359	234				
	A26	5,091,652	2/25/92	Mathies et al.	250	458.1				
	A27	5,120,953	6/9/92	Harris	250	227.20				
	A28	5,122,653	6/16/92	Ohki	250	216				
	A29	5,132,526	7/21/92	Iwasaki	250	201.3				
	A30	5,139,025	8/18/92	Lewis et al.	128	665				
	A31	5,161,053	11/3/92	Dabbs	359	384				
	A32	5,162,641	11/10/92	Fountain	250	201.2				
	A33	5,162,941	11/10/92	Favro et al.	359	386				
	A34	5,168,157	12/1/92	Kimura	250	234				
	A35	5,192,980	3/9/93	Dixon et al.	356	326				
	A36	Re. 34,214	4/6/93	Carlsson et al.	358	93				
	A37	5,201,318	4/13/93	Rava et al.	128	665				
	A38	5,225,671	· 7/6/93	Fukuyama	250	216				
	A39	5,235,457	·8/10/93	Lichtman et al.	-359	368				
	A40	5,239,178	-8/24/93	Derndinger et al.	250	234				
	A41	5,248,876	9/28/93	Kerstens et al.	250	561				
	A42	5,260,569	11/9/93	Kimura	250	234				
	A43	5,260,578	11/9/93	Bliton et al.	250	461.1				
	A44	5,262,646	11/16/93	Booker et al.	250	341				
	A45	5,274,240	12/28/93	Mathies et al.	250	458.1				
	A46	5,284,149	2/8/94	Dhadwal et al.	128	665				
	A47	5,286,964	2/15/94	Fountain	250	201.2				
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EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A48	5,294,799	3/15/94	Aslund et al.	250	458.1	
	A49	5,296,700	3/22/94	Kumagai	250	216	
	A50	5,303,026	4/12/94	Strobl et al.	356	318	
	A51	5,306,902	4/26/94	Goodman	250	201.3	
	A52	5,313,567	5/17/94	Civanlar et al	395	124	
	A53	5,324,979	6/28/94	Rosenthal	250	504R	
	A54	5,319,200	6/7/94	Rosenthal et al.	250	341	
	A55	5,329,352	7/12/94	Jacobsen	356	301	
	A56	5,343,038	8/30/94	Nishiwaki et al.	250	234	
	A57	5,345,306	9/6/94	Ichimura et al.	356	346	
	A58	5,418,797	5/23/95	Bashkansky et al.	372	3	
	A59	5,421,337	6/6/95	Richards-Kortum et al.	128	665	
	A60	5,451,931	9/19/95	Muller et al.	340	630	
	A61	5,477,382	12/19/95	Pernick	359	559	
	A62	5,480,775	1/2/96	Ito et al.	435	7.2	
	A63	5,493,444	2/20/96	Khoury et al.	359	559	
	A64	5,587,832	12/24/96	Krause	359	385	
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			U.S	. PATENT	DOCUMI	ENTS				
EXAM. INIT.	DOCUMENT DATE NAME NUMBER				CLASS			SS SUB CLASS		NG DATE IF ROPRIATE
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			FORE	IGN PATEN	T DOCU	MENTS				
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	FILING DATE	ABSTRA ONLY	АСТ	ENGLISH LANG (Y/N)
	BI	SU1223092	4/7/86	Boro :						
	B2	EP-A-0280418	8/31/88							
	В3	EP-A-0335725	10/4/89							
<del></del>	B4	EP-A-0474264	3/11/92							
	B5	EP-A-0641542	3/8/95							
	В6	WO 94/26168	11/24/94	PCT						
	В7	WO 97/05473	2/13/97	РСТ			<u>.</u>			
			OTHER A	RT, JOURN	AL ART	ICLES, E	ETC.			
EXAM. INIT.	ОТН	IER DOCUMENT	rs: (Includin	g Author, Tit	e, Date, Re	levant Pag	es, Place o	f Publicat	ion)	
	C1	P. Davidovits et 7, pp. 1615-161	9, July 1971.	:						
	C2		C.J.R. Sheppard et al. " Depth of Field in the Scanning Microscope", Optics Letters, Vol. 3, No. 3, September 1978, pp. 115-117.							
	C3		C.J. Koester, "Scanning Mirror Microscope with Optical Sectioning Characteristics: Applications in Ophthalmology", Applied Optics. Vol. 19, No. 11, June 1980, pp. 1749-1757.							ons in
	C4	T. Wilson., "Th 99-113.	e Role of the I	Pinhold in Con	focal Imagii	ng Systems	", Confoca	l Microsco	ру На	ndbook, pp.
	C5	C. Koester, "Co Confocal Micro	-	•	-	: The Sca	nning Slit (	Confocal M	licrosc	ope",
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SERIAL NO.: 09/841,325

				10	SERIAL NO.: 09/841,325						
					FILING D	ATE: Ap	ril 24, 200	)1 GRO	UP:	3737	
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EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME			CLASS	SUB CLASS	FILING DATE II APPROPRIATE		
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	1	<u> </u>	OTHER A	ART, JOURN	AL ART	ICLES, E	TC.	<u> </u>	·	<u> </u>	
EXAM. INIT.	ОТН	ER DOCUMENT						f Publicati	ion)		
	C6	Chem 38/9, 1623-1631 (1992).  Kevin T. Schomacker, et al. "Ultraviolet Laser-Induced Fluorescence of Colonic Tissue; Basic B Diagnostic Potential", Lasers in Surgery and Medicine, 12: 63-78, (1992).							stry", Clin.		
	C7								Basic	Biology and	
	C8								62 April		
C9 R. Richards-Kortum et al. "Description and Performance of a Fiber-optic Confocal I Spectrometer, Applied Spectroscopy, Vol. 48, No. 3 pp. 350-355. (1994).							focal Fluor	Fluorescence			
	C10 J.M. Schmitt et al. "Interferometric Versus Confocal Techniques for Imaging Microstructur Biological Media", Proc. SPIE, 2135 (1994), pp. 1-12.							ures i	n Turbid		
	C11	N. Ramanuiam o (CIN), Gynecolo		escence Spectros gy 52, pp. 31-38 (		agnostic To	ool for Cerv	vical Intrae	pitheli	al Neoplasa	
	C12 S.G. Anderson, "Confocal Laser Microscopes See A Wider Field of Application", Laser Focus 83-86, February 1994.								World, pp.		
	C13	J.M. Schmitt et a August 1994.	al. "Confoca	Microscopy in	Turbid Med	dia", J. Opt	Soc. Am.,	Vol. 11, p	р. 222	25-2235,	
	C14	N. Ramanuiam et al. "In vivo diagnosis of cervical intraepithelial neoplasia using 337-nm-exited laser-induced fluorescence", Pro. Natl. Acad. Sci. USA, Vol. 91, pp. 10193-10197, October 1994.								ed laser-	
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